IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel J. Thomsen et al.   Examiner: Michael J. Simitoski

Serial No.:   09/483,164   Group Art Unit: 2134

Filed: January 14, 2000   Docket: 105.174US1

LOCALLY ADAPTABLE CENTRAL SECURITY MANAGEMENT IN A
HETEROGENEOUS NETWORK ENVIRONMENT

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

This declaration is submitted under 37 C.F.R. § 1.131 in response to the final rejection of U.S. Patent Application Serial Number 09/483,164 (the "Application"), assigned to Secure Computing Corporation to establish the inapplicability of using the reference, "Role Based Access Control Framework for Network Enterprises," by Thomsen, O'Brien and Bogle, published December 7, 1998 at the Fourteenth Annual Computer Security Applications Conference, and the reference, "Napolean Network Application Policy Environment," by Thomsen, O'Brien and Payne, published October 28, 1999 at the Fourth ACM Workshop on Role Based Access Control (hereinafter "the Thomsen Articles"), to reject the claims of the instant application under 35 USC § 102(a). The above identified U.S. Patent Application claims the benefit of provisionally filed U.S. Application Serial No. 60/168,656 filed December 2, 1999.

I, Richard O'Brien, do hereby declare:

1.   I have been an employee of Secure Computing Corporation, the assignee of the Application, since at least as early as November, 1998.

2.   I am a joint inventor of all claims of the Application.

3.   The subject matter claimed in the Application was invented prior to December 1998, the publication date of the earliest of the Thomsen Articles.

4.   The disclosure in the Thomsen Articles of the subject matter claimed in the

Application is of information invented by the inventors of the Application prior to the publication date of the Thomsen Articles.

5.   The source of any disclosure in the Thomsen Articles of the subject matter claimed in the Application was provided from work of the inventors of the Application.

6.   I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: _____March 14, 2006_____   _____

                                                                Richard O'Brien